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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,667	08/19/2003	Steven M. Casey	020366-091400US	6436

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,667

Applicant(s)

CASEY ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 5, 2005. **Claims 1,4-20,22-25** are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Swan et al. US Patent 5,978,451.

Regarding claim 14, Swan teaches a method for processing a telephone call, (abstract), the method comprising:

receiving a phone call from a first communication interface coupled to at least a wireless phone network (col. 10, lines 8-10; the first communication interface can communicate via a cellular network) and wired phone network, (fig. 1), wherein the first communication interface receives the telephone call from any of a plurality of callers remote to the network interface device, (fig. 3a; col. 4, lines 22-39);

providing a second communication interface coupled to one or more phones at a user location, (col. 6, lines 21-44; fig. 2), wherein:

the one or more phones are associated with a telephone number, and the plurality of callers can call the one or more phones with the telephone number, (col. 7, line 63-col. 8, line 16);

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analyzing the one or more access control rules, (col. 9, lines 18-52); and
performing one of a following steps depending on the analyzing steps:
routing the incoming phone call from the first communication interface to the second communication interface, and preventing the incoming phone call from reaching the second communication interface, (col. 9, lines 18-35), wherein the one or more phones ring when the incoming call is routed to the second communication interface, (col. 9, lines 38-52).

Regarding claim 15, Swan, as applied to claim 14, teaches wherein the one or more access control rules test a caller ID variable associated with the incoming call, (col. 6, lines 7-20).

Regarding claim 16, Swan, as applied to claim 14, teaches wherein the one or more access control rules block all incoming calls during a time period, (col. 9, lines 38-52).

Regarding claim 17, Swan, as applied to claim 14, teaches wherein the one or more access control rules route all incoming calls during a time period to a voice response system, (col. 9, lines 18-52).

Regarding claim 18, Swan, as applied to claim 14, teaches wherein the one or more access control rules block one or more incoming calls during a time period, (col. 9, lines 18-52).

Regarding claim 19, Swan, as applied to claim 14, teaches wherein a specified number overrides the one or more access control rules to route the incoming phone call to the second communication interface, (col. 9, lines 54-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1,4-13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan et al. in view of Shaffer et al. US Patent 5,999,599.

Regarding claims 1 and 24, Swan teaches a network interface device (PCC 10) for processing a telephone call, (abstract), the network interface device (fig. 2a,2b) comprising:

a first communication interface coupled to a public switched telephone network (PSTN) or a wireless phone network, (col. 10, lines 8-10; fig. 1), wherein the first communication

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interface receives the telephone call from any of a plurality of callers remote to the network interface device, (fig. 3a; col. 4, lines 22-39);

a second communication interface coupled to one or more phones at a user location, (col. 6, lines 21-44; fig. 2), wherein:

the one or more phones are associated with a telephone number, and the plurality of callers can call the one or more phones with the telephone number, (col. 7, line 63-col. 8, line 16);

a telephone switch coupled to both of the first communication interface and second communication interface, (col. 6, lines 55-62), wherein the telephone switch optionally routes an incoming phone call to the second communication interface if one or more access control rules permit routing the incoming phone call to the second communication interface, (col. 8, lines 45-57; col. 9, lines 38-52); and

a controller (processor 32) that analyzes the one or more access control rules which either routes the incoming phone call from the first communication interface to the second communication interface or prevents the incoming phone call from reaching the second communication interface, (col. 9, lines 18-35), wherein the one or more phones ring when the incoming call is routed to the second communication interface, (col. 9, lines 38-52).

Swan does not specifically teach wherein the controller routes the incoming phone call to a voice response system which queries a caller of the incoming phone call to record a greeting and on a subsequent phone call using the greeting as a ring tone.

In the same field of endeavor, Shaffer teaches wherein a controller routes the incoming phone call to a voice response system which queries a caller of the incoming phone call to record

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a greeting, and on a subsequent phone call from the caller routed to the second communication interface, a ring tone for the subsequent call comprises the greeting, (col. 4, lines 1-10,35-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Swan by allowing a user to providing a greeting instead of a standard ring tone so that the caller can personalize there incoming call alert to the called party. This will also allow the called party to know who is calling.

Regarding claim 4, Swan in view of Shaffer teaches wherein the greeting is played instead of a ring tone, (col. 4, lines 1-10,35-50, Shaffer).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Swan by allowing a user to providing a greeting instead of a standard ring tone so that the caller can personalize there incoming call alert to the called party. This will also allow the called party to know who is calling.

Regarding claim 5, Swan, as applied to claim 1, teaches wherein the network interface device is located at the user location, (fig. 2a).

Regarding claim 6, Swan, as applied to claim 1, teaches wherein the network interface device is physically accessible from outside the user location, (fig. 2b).

Regarding claim 7, Swan, as applied to claim 7, teaches wherein the one or more access control rules are stored within the network interface device, (col. 5, lines 18-35).

Regarding claims 8 and 9, Swan, as applied to claim 1, teaches wherein the second communication interface is a PSTN interface, (fig. 3a). The Examiner notes that since claim 8, is written in the “alternate or” format then claim 9 is met when the PSTN interface is chosen over the VOIP interface.

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Regarding claim 10, Swan, as applied to claim 1, teaches wherein the first communication interface uses a first physical transport that is different from a second physical transport of the second communication interface, (col. 5, lines 1-17).

Regarding claim 11, Swan, as applied to claim 1, teaches wherein the one or more phones are a POTS phone, (fig. 2a).

Regarding claim 12, Swan, as applied to claim 1, teaches wherein the network interface device is integral with at least one of the one or more phones, (col. 4, line 63-col. 5, line 36).

Regarding claim 13, Swan, as applied to claim 1, teaches wherein the controller routes the incoming phone call to voicemail according to the one or more access control rules, (col. 9, lines 38-52).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swan et al. in view of Shaffer and further in view of Ryan US Patent Pub 2003/0152207

Regarding claim 23, Swan and Shaffer do not specifically teach modifying one or more access control rules based on input from a user received via a user interface accessible by way of the Internet.

In the same field of endeavor, Ryan teaches modifying one or more access control rules based on input from a user received via a user interface accessible by way of the Internet, (paragraph 0010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Swan in view of Shaffer by modifying the access rules by way of the Internet as taught by Ryan so that the users can edit or update their call screening features from any remotely located computer terminal.

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9. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swan et al. in view of Ryan US Patent Pub 2003/0152207.

Regarding claims 20, Swan teaches a method for processing a telephone call, (abstract), the method comprising steps of:

receiving a phone call from a first communication interface coupled to at least a wired phone network, wherein the first communication interface receives the telephone call from any of a plurality of callers remote to the network interface device, (fig. 3a; col. 4, lines 22-39);

providing a second communication interface coupled to one or more phones at a user location, (col. 6, lines 21-44; fig. 2), wherein:

the one or more phones are associated with a telephone number, and the plurality of callers can call the one or more phones with the telephone number, (col. 7, line 63-col. 8, line 16);

analyzing the one or more access control rules, (col. 9, lines 18-52); and

performing one of a following steps depending on the analyzing steps:

routing the incoming phone call from the first communication interface to the second communication interface, and preventing the incoming phone call from reaching the second communication interface, (col. 9, lines 18-35), wherein the one or more phones ring when the incoming call is routed to the second communication interface, (col. 9, lines 38-52), and

routing the incoming call to a voice response system, (col. 8, lines 17-27).

Swan does not specifically teach modifying one or more access control rules based on input from a user received via a user interface accessible by way of the Internet.

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In the same field of endeavor, Ryan teaches modifying one or more access control rules based on input from a user received via a user interface accessible by way of the Internet, (paragraph 0010).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Swan by modifying the access rules by way of the Internet as taught by Ryan so that the users can edit or update their call screening features from any remotely located computer terminal.

Regarding claim 22, Swan, as applied to claim 20, teaches wherein the user location is a residence and the method is performed within the user location, but not on the one or more phones, (fig. 2a).

Response to Arguments

10. Applicant's arguments with respect to claims **1,4-20,22-25** have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

11. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2645
December 15, 2005

O.E./oe